



VALLECITOS WATER DISTRICT

A PUBLIC AGENCY

201 Vallecitos de Oro • San Marcos, California • 92069-1453 Telephone (760) 744-0460

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SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

Mr. John Robertus
Executive Director
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Re: Comments on Tentative Order R9-2005-219, NPDES Permit No. CA0107395 Waste Discharge Requirements for the Encina Wastewater Authority

Dear Mr. Robertus:

The Vallecitos Water District ("VWD") sincerely appreciates the opportunity to comment on the above referenced Tentative Order and NPDES Permit. No. CA0107395. To assist the District in avoiding potential delays in providing comments, please send future notices to the attention of the General Manager of VWD, and distribution within will be coordinated accordingly.

VWD would like to go on record objecting to the provisions in the Tentative Order which require the Encina Wastewater Authority ("EWA") to take responsibility over VWD's Meadowlark Water Reclamation Plant ("Meadowlark"). EWA has absolutely no ownership, control or legal jurisdiction over Meadowlark. VWD independently owns and operates Meadowlark, subject to Report of Waste Discharge Permit No. 93-23. A separate NPDES Permit appears to be in conflict and neither necessary nor appropriate.

Moreover, as noted in the letter to you dated September 28, 2005, from EWA Counsel Gregory Moser, the Tentative Order exceeds the authority granted to the Regional Board. Pursuant to 40 CFR Section 122.2.2, an Owner or operator is defined as "the owner or operator of any 'facility or activity' subject to regulation under the NPDES program." EWA is not the owner or operator of Meadowlark and therefore as a matter of law, the Tentative Order exceeds the Regional Board's authority.

It is therefore respectfully but unequivocally requested that the Regional Board restrict the scope of EWA's permit to those structures and facilities over which EWA has jurisdictional authority.

Thank you again for the opportunity to comment on this very important issue.

Sincerely,

William W. Rucker
General Manager

cc: Michael T. Hogan, Encina Wastewater Authority